

1 HOUSE JOINT RESOLUTION NO. 63

2 INTRODUCED BY A. NOONAN

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE BUDGETING AND APPROPRIATIONS PROCESSES
6 FOLLOWED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES IN MONTANA.

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8 WHEREAS, Article VI, section 9, of the Montana Constitution requires the Governor to submit to the
9 Legislature, at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail for all operating
10 funds the proposed expenditures and estimated revenue of the state; and

11 WHEREAS, Article V, section 11, of the Montana Constitution:

12 (1) limits each bill, except general appropriation bills and bills for the codification and general revision
13 of the laws, to only one subject;

14 (2) authorizes a general appropriation bill that is limited only to appropriations for the ordinary expenses
15 of the Legislative, Executive, and Judicial Branches, for interest on the public debt, and for public schools; and

16 (3) restricts the contents of every other appropriation bill to one subject; and

17 WHEREAS, Article VIII of the Montana Constitution broadly and generally outlines the requirements and
18 restrictions on matters of public revenue and finance, including a balanced budget and strict accountability; and

19 WHEREAS, Title 17, chapter 7, MCA, provides general and specific guidance regarding the development,
20 submission, consideration, and adoption of the state budget through a process of Executive Branch proposition
21 and Legislative Branch disposition; and

22 WHEREAS, the statutes governing the state budget and the budgeting processes followed by the
23 Executive, Legislative, and Judicial Branches of government were initially enacted more than 30 years ago; and

24 WHEREAS, the statutory budgeting processes have in some cases been amended piecemeal and are,
25 at times, unclear or even conflicting; and

26 WHEREAS, the Legislature has an obligation to ensure that statutes are clear and that legislative
27 processes, including the drafting and adoption of bills and rules, that are based on those statutes are legally
28 sound; and

29 WHEREAS, the legislative appropriations process in Montana is founded on the principles of
30 transparency, accountability, public notice, and public participation.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF MONTANA:

3 That the Legislative Finance Committee study and make recommendations on reforms of the statutes
4 and legislative rules guiding the development, submission, consideration, and adoption of the state's budget or
5 direct its staff to conduct the study and identify options for the Committee's review and consideration.

6 BE IT FURTHER RESOLVED, that in exploring the budgeting and appropriation processes, the study:

7 (1) examine the legal requirements and restrictions governing budgeting and appropriations processes
8 of state government;

9 (2) explore the history and development of the statutes and legislative rules that guide the budgeting and
10 appropriations processes of state government;

11 (3) identify, consider, and propose options for resolving instances in which statutory provisions are
12 unclear or in conflict;

13 (4) identify, consider, and propose options for resolving instances in which the Rules of the Senate or
14 the House of Representatives or the Joint Rules of the Legislature as those rules relate to the state budget are
15 unclear or in conflict;

16 (5) examine budgeting processes followed in other states, including timelines and the respective
17 responsibilities of the Executive Branch and Legislative Branch in the processes;

18 (6) identify possible changes to statutes and legislative rules that would promote the objectives of
19 efficiency, effectiveness, transparency, accountability, public notice, and public participation in the budgeting and
20 appropriations processes; and

21 (7) assess the possible impacts that various changes to statutes and legislative rules might have on the
22 primary entities involved in developing and analyzing the budget, on the legislative budgeting process, and on
23 public participation in the budgeting process.

24 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
25 presented to and reviewed by the Legislative Finance Committee.

26 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
27 requirements, be concluded prior to September 15, 2008.

28 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
29 comments, or recommendations of the Legislative Finance Committee, be reported to the 61st Legislature.

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